

"Lincoln as Lawyer & Debater," by Ward Hill Lamon

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Law Practice

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# Abraham Lincoln's Law Practice

“Lincoln as Lawyer and  
Debater,” by Ward Hill  
Lamon, 1908

Excerpts from newspapers and other  
sources

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FEBRUARY 5, 1908



# LINCOLN

## As Lawyer and Debater

By WARD HILL LAMON,  
Lincoln's Friend and Bodyguard.

As already stated by Judge Davis, Mr. Lincoln was not "a great reader of law books," but what he knew he knew well and within those limits was self-reliant and even intrepid. He was what is sometimes called "a case lawyer"—a man who reasoned almost entirely to the court and jury from analogous causes previously decided and reported in the books and not from the elementary principles of the law or the great underlying reasons for its existence. In consultation he was cautious, conscientious and painstaking and was seldom prepared to advise, except after careful and tedious examination of the authorities. He did not consider himself bound to take every case that was brought to him nor to press all the points in favor of a client who in the main was right and entitled to recover. He is known to have been many times on the verge of quarreling with old and valued friends because he could not see the justice of their claims and therefore could not be induced to act as their counsel. Henry McHenry, one of his New Salem associates, brought him a case involving the title to a piece of land. McHenry had placed a family in a cabin which Mr. Lincoln believed to be situated on the other side of the adversary's line. He told McHenry that he must move the family out. "McHenry said he should not do it. 'Well,' said Mr. Lincoln, 'if you do not I shall not attend to the suit.' McHenry said he did not care a d—n whether he did or not; that he (Lincoln) was not all the lawyer there was in town. Lincoln studied awhile and asked about the location of the cabin \* \* \* and then said, 'McHenry, you are right; I will attend to the suit,' and did attend to it and gained it, and that was all the harsh word that passed."

"A citizen of Springfield," says Mr. Herndon, "who visited our office on business about a year before Mr. Lincoln's nomination relates the following:

"Mr. Lincoln was seated at his table, listening very attentively to a man who was talking earnestly in a low tone. After the would-be client had stated the facts of his case Mr. Lincoln replied: 'Yes, there is no reasonable doubt but that I can gain your

case for you. I can set a whole neighborhood at loggerheads. I can distress a widowed mother and her six fatherless children and thereby get for you \$600, which rightfully belongs, it appears to me, as much to the woman and her children as it does to you. You must remember that some things that are legally right are not morally right. I shall not take your case, but will give you a little advice, for which I will charge you nothing. You seem to be a sprightly, energetic man. I would advise you to try your hand at making \$600 in some other way.'"

### CHAPTER II.

#### Lincoln's Description of a Curious Case.

**I**N the summer of 1841 Mr. Lincoln was engaged in a curious case. The circumstances impressed him very deeply with the insufficiency and danger of "circumstantial evidence," so much so that he not only wrote the following account of it to Joshua F. Speed, his most intimate friend, who had removed to Kentucky, but another more extended one, which was printed in a newspaper published at Quincy, Ill. His mind was full of it. He could think of nothing else. It is apparent that in his letter to Speed he made no pause to choose his words. There is nothing constrained and nothing studied or deliberate about it, but its simplicity, perspicuity and artless grace make it a model of English composition. What Goldsmith once said of Locke may better be said of this letter, "He never says more nor less than he ought and never makes use of a word that he could have changed for a better."

Springfield, June 19, 1841.  
Dear Speed—We have had the highest state of excitement here for a week past that our community has ever witnessed, and, although the public feeling is somewhat allayed, the curious affair which aroused it is very far from being over yet, cleared of mystery. It would take a quire of paper to give you anything like a full account of it, and I therefore only propose a brief outline. The chief personages in the drama are Archibald Fisher, supposed to be murdered, and Archibald Trallor, Henry Trallor and William Trallor, supposed to have murdered him. The three Trallors are brothers. The first

JOHN T. STUART, LINCOLN'S FIRST LAW PARTNER.

Arch, as you know, lives in town; the second, Henry, in Clary's Grove, and the third, William, in Warren county, and Fisher, the supposed murderer, being without a family, had made his home with William. On Saturday evening, beginning the 29th of May, Fisher and William came to Henry's in a one horse deerborn and there stayed over Sunday, and on Monday all three came to Springfield (Henry on horseback) and joined Archibald at Myers', the Dutch carpenter. That evening at supper Fisher was missing, and so next morning some ineffectual search was made for him, and on Tuesday, at 1 o'clock p. m., William and Henry started home without him. In a day or two Henry and one or two of his Clary's Grove neighbors came back for him again and advertised his disappearance in the papers. The knowledge of the matter thus far had not been general, and here it dropped entirely till about the 10th Inst., when Keys received a letter from the postmaster in Warren county that William had arrived at home and was telling a very mysterious and improbable story about the disappearance of Fisher, which induced the community there to suppose he had been disposed of unfairly. Keys made this letter public, which immediately set the whole town and adjoining county agog. And so it has continued until yesterday. The mass of the people commenced a systematic search for the dead body, while Wickersham was dispatched to arrest Henry Trallor at the Grove and Jim Maxey to Warren to arrest William. On Monday last Henry was brought in and showed an evident inclination to insinuate that he knew Fisher to be dead and that Arch and William had killed him. He said he guessed the body could be found in Spring creek between the Beardstown road and Hickox's mill. Away the people swept like a herd of buffalo and cut down Hickox's mill dam nolens volens, to draw the water out of the pond, and then went up and down and down and up the creek, fishing and raking and raking and ducking and diving for two days, and after all no dead body found. In the meantime a sort of a scuffling ground had been found in the brush in the angle or point where the road leading into the woods past the brewery and the one leading in past the brick grove meet. From the scuffle ground was the sign of something about the size of a man having been dragged to the edge of the thicket, where joined the track of some small wheeled carriage drawn by one horse, as shown by the road tracks. The carriage track led off toward Spring creek. Near this drag trail Dr. Merryman found two hairs, which, after a long scientific examination, he pronounced to be triangular human hair, which term, he says, includes within it the whiskers, the hair growing under the



arms and on other parts of the body, and he judged that these two were of the whiskers, because the ends were cut, showing that they had flourished in the neighborhood of the razor's operations. On Thursday last Jim Maxcy brought in William Traillor from Warren. On the same day Arch was arrested and put in jail. Yesterday (Friday) William was put upon his examining trial before May and Lavelly. Archibald and Henry were both present. Lamborn prosecuted, and Logan, Baker and your humble servant defended. A great many witnesses were introduced and examined, but I shall only mention those whose testimony seemed most important. The first of these was Captain Ransdell. He swore that when William and Henry left Springfield for home on Tuesday before mentioned they did not take the direct route—which you know leads by the butcher shop—but that they followed the street north until they got opposite or nearly opposite May's new

house, after which he could not see them from where he stood, and it was afterward proved that in about an hour after they started they came into the street by the butcher's shop from toward the brick-yard. Dr. Merryman and others swore to what is stated about the scuffle ground, drag trall, whiskers and carriage tracks. Henry was then introduced by the prosecution. He swore that when they started for home they went out north, as Ransdell stated, and turned down west by the brickyard into the woods and there met Archibald; that they proceeded a small distance farther, when he was placed as a sentinel to watch for and announce the approach of any one that might happen that way; that William and Arch took the dearborn out of the road a small distance to the edge of the thicket, where they stopped, and he saw them lift the body of a man into it; that they then moved off with the carriage in the direction of Hickox's mill, and he loitered about for something like an hour, when William returned with the carriage, but without Arch, and said they had put him in a safe place; that they went somehow, he did not know exactly how, into the road close to the brewery and proceeded on to Clary's Grove. He also stated that some time during the day William told him that he and Arch had killed Fisher the evening before; that the way they did it was by him (William) knocking him down with a club and Arch then choking him to death. An old man from Warren, called Dr. Gilmore, was then introduced on the part of the defense. He swore that he had known Fisher for several years; that Fisher had resided at his house a long time at each of two different spells—once while he built a barn for him and once while he was doctored for some chronic disease; that two or three years ago Fisher had a serious hurt in his head by the bursting of a gun, since which he had been subject to continued bad health and occasional aberration of mind. He also stated that on last Tuesday, being the same day that Maxcy arrested William Traillor, he (the doctor) was from home in the early part of the day, and on his return, about 11 o'clock, found Fisher at his house in ~~bed~~ and apparently very unwell; that he asked him how he had come from Springfield; that Fisher said he had come by Peoria and also told of several other places he had been at, more in the direction of Peoria, which showed that he at the time of speaking did not know where he had been wandering about in a state of derangement. He further stated that in about two hours he received a note from one of Traillor's friends advising him of his arrest and requesting him to go on to Springfield as a witness to testify as to the state of Fisher's health in former times; that he immediately set off, calling up two of his neighbors as company, and, riding all evening and all night, overtook Maxcy and William at Lewiston, in Fulton county; that Maxcy refusing to discharge Traillor upon his statement his two neighbors returned, and he came on to Springfield. Some question being made as to whether the doctor's story was not a fabrication, several acquaintances of his (among whom was the same postmaster who wrote to Keys, as before mentioned) were introduced as sort of compurgators, who swore that they knew the doctor to be of good character for truth and veracity and generally of good character in

every way. Here the testimony ended, and the Traillors were discharged, Arch and William expressing, both in word and manner, their entire confidence that Fisher would be found alive at the doctor's by Galloway, Mallory and Myers, who a day before had been dispatched for that purpose, while Henry still protested that no power on earth could ever show Fisher alive. Thus stands this curious affair. When the doctor's story was first made public, it was amusing to scan and contemplate the countenances and hear the remarks of those who had been actively engaged in the search for the dead body; some looked quizzical, some melancholy and some furiously angry. Porter, who had been very active, swore he always knew the man was not dead and that he had not stirred an inch to hunt for him. Langford, who had taken the lead in cutting down Hickox's mill dam and wanted to hang Hickox for objecting, looked most awfully woebegone. It seemed the "victim of unrequited affection," as represented in the comic almanacs we used to laugh over. And Hart, the little drayman that hauled Molly home once, said it was too damned bad to have so much trouble and no hanging after all.

I commenced this letter on yesterday, since which I received yours of the 13th. I stick to my promise to come to Louisville. Nothing new here, except what I have written. I have not seen — since my last trip, and I am going out there as soon as I mail this letter. Yours forever,

LINCOLN



# LINCOLN

## As Lawyer and Debater

By WARD HILL LAMON,

Lincoln's Friend and Bodyguard.

FEBRUARY 6, 1906

(Continued.)

### CHAPTER III.

#### Incidents In the Law Practice of Mr. Lincoln.

**O**N the 3d of December, 1839, Mr. Lincoln was admitted to practice in the circuit court of the United States, and on the same day the names of Stephen A. Douglas, S. H. Treat, Schuyler Strong and two other gentlemen were placed on the same roll. The "Little Giant" is always in sight!

The first speech he delivered in the supreme court of the state was one the like of which will never be heard again and must have led the judges to doubt the sanity of the new attorney. We give it in the form in which it seems to be authenticated by Judge Treat:

"A case being called for hearing in the court, Mr. Lincoln stated that he appeared for the appellant and was ready to proceed with the argument. He then said: 'This is the first case I have ever had in this court, and I have therefore examined it with great care. As the court will perceive by looking at the abstract of the record, the only question in the case is one of authority. I have not been able to find any authority sustaining my side of the case, but I have found several cases directly in point on the other side. I will now give these cases and then submit the case.'"

The testimony of all the lawyers, his contemporaries and rivals is in the same direction. "But Mr. Lincoln's love of justice and fair play," says Mr. Gillespie, "was his predominating trait. I have often listened to him when I thought he would certainly state his case out of court. It was not in his nature to assume or to attempt to bolster up a false position. He would abandon his case first. He did so in the case of Buckmaster for the use of Denham versus Beenes and Arthur in our supreme court, in which I happened to be opposed to him. Another gentleman, less fastidious, took Mr. Lincoln's place and gained the case."

In the Patterson trial—a case of murder which attained some celebrity—in Champaign county, Flecklin and Lamont prosecuted and Lincoln and Swett defended. After hearing the

man is guilty. You defend him. I can't." They got a fee of five hundred or a thousand dollars, of which Mr. Lincoln declined to take a cent, on the ground that it justly belonged to Swett, whose ardor, courage and eloquence had saved the guilty man from justice.

It was probably his deep sense of natural justice, his irresistible propensity to get at the equities of the matter in hand, that made him so utterly impatient to all arbitrary or technical rules. Of these he knew very little, less than an average student of six months. "Hence," says Judge Davis, "a child could make use of the simple and technical rules, the means and mode of getting at justice, better than Lincoln could." "In this respect," says Mr. Herndon, "I really think he was very deficient."

#### When Lincoln Rode the Circuit.

Sangamon county was originally in the First judicial circuit, but under the constitution of 1848 and sundry changes in the judiciary acts it became the Eighth circuit. It was in 1818 that Judge Davis came on the bench for the first time. The circuit was a very large one, containing fourteen counties and comprising the central portion of the state. Lincoln traveled all over it—first with Judge Treat and then with Judge Davis—twice every year and was thus absent from Springfield and home nearly if not quite six months out of every twelve. "In my opinion," says Judge Davis, "Lincoln was as happy as he could be on this circuit and happy in no other place. This was his place of enjoyment. As a general rule, of a Saturday evening, when all the lawyers would go home [the judge means those who were close enough to get there and back by the time their cases were called] to see their families and friends, Lincoln would refuse to go."

"It was on this circuit," we are told by an authority equally high, "that he shone as a nisi prius lawyer. It was on this circuit Lincoln thought, spoke and acted. It was on this circuit that the people met, greeted and cheered on the man. It was on this circuit that he cracked his jokes, told his stories, made his money and was happy as nowhere in the world beside." When in 1857 Sangamon county was cut off

first finishing his business in Sangamon."

On his return from one of these long journeys he found that Mrs. Lincoln had taken advantage of his absence and, with the connivance and assistance of his neighbor, Gourly, had placed a second story and a new roof on his house. Approaching it for the first time after this rather startling alteration and pretending not to recognize it, he called to a man on the street: "Stranger, can you tell me where Lincoln lives? He used to live here."

When Mr. Lincoln first began to "ride the circuit" he was too poor to own horseflesh or vehicle and was compelled to borrow from his friends. But in due time he became the proprietor of a horse, which he fed and groomed himself and to which he was very much attached. On this animal he would set out from home, to be gone for weeks together, with no baggage but a pair of saddlebags, containing a change of linen, and an old cotton umbrella to shelter him from sun or rain. When he got a little more of this world's goods he set up a one horse buggy, a very sorry and shabby looking affair, which he generally used when the weather promised to be bad. But the lawyers were always glad to see him, and the landlords hailed his coming with pleasure. Yet he was one of those peculiar, gentle, uncomplain-



LINCOLN RIDING THE CIRCUIT.

ing men whom those servants of the public who keep "hotels" would generally put off with the most indifferent accommodations. It was a very significant remark of a lawyer thoroughly acquainted with his habits and disposition that "Lincoln was never seated next the landlord at a crowded ta-

gentlemen were required to lodge together in order to accommodate some surly man who "stood upon his rights," Lincoln was sure to be one of the unfortunates. Yet he loved the life and never went home without reluctance.

From Mr. S. C. Parks of Lincoln, himself a most reputable lawyer, we have two or three anecdotes, which we give in his own language:

"I have often said that for a man who was for a quarter of a century both a lawyer and a politician he was the most honest man I ever knew. He was not only morally honest, but intellectually so. He could not reason falsely. If he attempted it he failed. In politics he never would try to mislead. At the bar when he thought he was wrong he was the weakest lawyer I ever saw. You know this better than I do. But I will give you an example or two which occurred in this county and which you may not remember.

"A man was indicted for larceny. Lincoln, Young and myself defended him. Lincoln was satisfied by the evidence that he was guilty and ought to be convicted. He called Young and myself aside and said: 'If you can say anything for the man, do it; I can't. If I attempt, the jury will see that I think he is guilty and convict him, of course.' The case was submitted by us to the jury without a word. The jury failed to agree, and before the next term the man died. Lincoln's honesty undoubtedly saved him from the penitentiary.

"In a closely contested civil suit Lincoln had proved an account for his client, who was, though he did not know it at the time, a very slippery fellow. The opposing attorney then proved a receipt clearly covering the entire cause of action. By the time he was through Lincoln was missing. The court sent for him to the hotel. 'Tell the judge,' said he, 'that I can't come. My hands are dirty, and I came over to clean them!'

"In the case of Harris and Jones versus Buckles, Harris wanted Lincoln to assist you and myself. His answer was characteristic: 'Tell Harris if's no use to waste money on me in that case. He'll get beat.'

Mr. Lincoln was prone to adventures in which pigs were the other party. Here is one from an incorrigible humorist, a lawyer named J. H. Wickizer:

"In 1855 Mr. Lincoln and myself were traveling by buggy from Woodford county court to Bloomington, Ill., and in passing through a little grove we suddenly heard the terrific squealing of a little pig near by us. Quick as thought Mr. Lincoln leaped out of the buggy, seized a club, pounced upon the old sow and beat her lustily. She was in the act of eating one of her young ones. Thus he saved the pig and then remarked: 'By jing! The unnatural old brute shall not devour her own progeny!' This, I think, was his first proclamation of freedom."

(Continued tomorrow.)



# LINCOLN

## As Lawyer and Debater

By WARD HILL LAMON,

Lincoln's Friend and Bodyguard.

FEBRUARY 7, 1860

(Continued.)

### Readiness of Lincoln's Wit.

But Mr. Wickizer gives us another story, which most happily illustrates the readiness of Mr. Lincoln's wit:

"In 1858, in the court at Bloomington, Mr. Lincoln was engaged in a case of no great importance, but the attorney on the other side, Mr. S., a young lawyer of fine abilities (now a judge of the supreme court of the state), was always very sensitive about being beaten and in this case manifested unusual zeal and interest. The case lasted until late at night, when it was finally submitted to the jury. Mr. S. spent a sleepless night in anxiety and early next morning learned, to his great chagrin, that he had lost the case. Mr. Lincoln met him at the courthouse and asked him what had become of his case. With lugubrious countenance and melancholy tone Mr. S. said: 'It's gone to hell.' 'Oh, well,' replied Lincoln, 'then you'll see it again.'

Although the humble condition and disreputable character of some of his relations and connections were the subject of constant annoyance and most painful reflections, he never tried to shake them off and never abandoned them when they needed his assistance. A son of his foster brother, John Johnston, was arrested for stealing a watch. Mr. Lincoln went to the same town to address a mass meeting while the poor boy was in jail. He waited until the dusk of the evening and then, in company with Mr. H. C. Whitney, visited the prison. "Lincoln knew he was guilty," says Mr. Whitney, "and was very deeply affected, more than I ever saw him. At the next term of the court, upon the state's attorney's consent, Lincoln and I went to the prosecution witnesses and got them to come into open court and state that they did not care to prosecute." The boy was released, and that evening, as the lawyers were leaving the town in their buggies, Mr. Lincoln was observed to get down from his and walk back a short distance to a poor, distressed looking young man who stood by the roadside. It was young Johnston. Mr. Lincoln engaged for a few moments apparently in earnest and nervous conversation with him, then giving him some money and returning to his buggy drove on.

A thousand tales could be told of Mr. Lincoln's amusing tricks and eccentricities on these quiet rides from county to county in company with judges and lawyers and of his quaint sayings and curious doings at the courts in these western villages. But, much against our will, we are compelled to make selections and present a few only; which rest upon the most undoubted authority.

It is well known that he used to carry with him on what Mr. Stuart calls "the tramp around the circuit" ordinary schoolbooks—from Euclid down to the English grammar—and study them as he rode along or at intervals of leisure in the towns where he stopped. He supplemented these with a copy of Shakespeare, got much of it by rote and recited long passages from it to any chance companion by the way.

He was intensely fond of cutting wood with an ax, and he was often seen to jump from his buggy, seize an ax out of the hands of a roadside chopper, take his place on the log in the most approved fashion and with his tremendous long strokes cut it in two before the man could recover from his surprise.

It was this free life that charmed him and reconciled him to existence. Here he forgot the past, with all its cruelties and mortifications. Here were no domestic afflictions to vex his weary spirit and to try his magnanimous heart.

"After he had returned from congress," says Judge Davis, "and had lost his practice, Goodrich of Chicago proposed to him to open a law office in Chicago and go into partnership with him. Goodrich had an extensive practice there. Lincoln refused to accept and gave as a reason that he tended to consumption; that if he went to Chicago he would have to sit down and study hard and it would kill him; that he would rather go around the circuit—the Eighth judicial circuit—than to sit down and die in Chicago."

In the summer of 1857, at a camp meeting in Mason county, one Metzgar was most brutally murdered. The affray took place about half a mile from the place of worship, near some wagons loaded with liquors and provisions.

Two men, James H. Norris and William D. Armstrong, were indicted for the crime. Norris was tried in Mason county, convicted of manslaughter and sentenced to the penitentiary for the term of eight years. But Armstrong, the popular feeling being very high against him in Mason, "took a change of venue to Cass county" and was there tried (at Beardstown) in the spring of 1858. Hitherto Armstrong had had the services of two able counselors, but now their efforts were supplanted by those of a most determined and zealous volunteer.

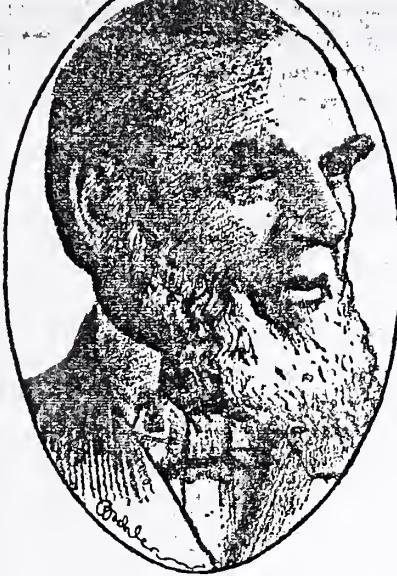
### The Famous "Almanac Case."

Armstrong was the son of Jack and Hannah Armstrong of New Salem, the child whom Mr. Lincoln had rocked in the cradle while Mrs. Armstrong attended to other household duties. His life was now in imminent peril. He seemed clearly guilty, and if he was to be saved it must be by the interpolation of some power which could de-

face that fatal record in the Norris trial, refute the senses of witnesses and make a jury forget themselves and their oaths. Old Hannah had one friend whom she devoutly believed could accomplish this. She wrote to Mr. Lincoln, and he replied that he would defend the boy. Afterward she visited him at Springfield and prepared him for the event as well as she could, with an understanding weakened by a long strain of severe and almost hopeless reflection.

When the trial came on Mr. Lincoln appeared for the defense. His colleague, Mr. Walker, had possessed him of the record in the Norris case, and upon close and anxious examination he was satisfied that the witnesses could by a well sustained and judicious cross examination be made to contradict each other in some important particulars. Mr. Walker "handled" the victims of this friendly design, while Mr. Lincoln sat by and suggested questions. Nevertheless, to the unskilled mind, the testimony seemed to be absolutely conclusive against the prisoner, and every word of it fell like a new sentence of death. Norris had beaten the murdered man with a club from behind, while Armstrong had pounded him in the face with a shotgun deliberately prepared for the occasion, and, according to the medical men, either would have been fatal without the other. But the witness whose testimony bore hardest upon Armstrong swore that the crime was committed about 11 o'clock at night and that he saw the blows struck by the light of a moon nearly full and standing in the heavens about where the sun would stand at 10 o'clock in the morning. It is easy to pervert and even to destroy evidence like this, and here Mr. Lincoln saw an opportunity which nobody had dreamed of on the Norris trial. He handed to an officer of the court an almanac and told him to give it back to him when he should call for it in presence of the jury. It was an almanac of the year previous to the murder.

"Mr. Lincoln," says Mr. Walker, "made the closing argument for the



LEONARD SWETT.

defense. At first he spoke slowly and carefully reviewed the whole testimony, picked it all to pieces and showed that the man had not received his wounds at the place or time named by the witnesses, but afterward, and at the hands of some one else." "The evidence bore heavily upon his client," says Mr. Shaw, one of the counsel for the prosecution. "There were many witnesses, and each one seemed to add one more cord that seemed to bind him down, until Mr. Lincoln was something in the situation of Gulliver after his first sleep in Lilliput. But when he came to talk to the jury (that was always his forte) he resembled Gulliver again. He skillfully untied here and there a knot and loosened here and there a peg, until, fairly getting warmed up, he raised himself in his full power and shook the arguments of his opponents from him as if they were cobwebs." In due time he called for the almanac and easily proved by it that at the time the main witness declared the moon was shining in great splendor there was, in fact, no moon at all, but black darkness over the whole scene. In the "roar of laughter" and undisguised astonishment succeeding this apparent demonstration court, jury and counsel forgot to examine that seemingly conclusive almanac and let it pass without a question concerning its genuineness.

In conclusion Mr. Lincoln drew a touching picture of Jack Armstrong (whose gentle spirit, alas, had gone to that place of coronation for the meek), and Hannah, this sweet faced old lady with the silver locks, welcoming to their humble cabin a strange and penniless boy, to whom Jack, with that Christian benevolence which distinguished him through life, became as a father and the gulleless Hannah even more than a mother. The boy, he said, stood before them pleading for the life of his benefactor's son—the staff of the widow's declining years.

"The last fifteen minutes of his speech," his colleague declares, "was as eloquent as I ever heard and such the power and earnestness with which he spoke to that jury that all sat as if entranced and when he was through found relief in a gush of tears." "He took the jury by storm," says one of the prosecutors. "There were tears

in Mr. Lincoln's eyes while he spoke, but they were genuine. His sympathies were fully enlisted in favor of the young man, and his terrible sincerity could not help but arouse the same passion in the jury. I have said a hundred times that it was Lincoln's speech that saved that criminal from the gallows." In the language of Hannah, who sat by enchanted, "he told the stories about our first acquaintance, what I did for him and how I did it," and she thinks it "was truly eloquent."

"As to the trial," continues Hannah, "Lincoln said to me, 'Hannah, your son will be cleared before sundown.' He and the other lawyers addressed the jury and closed the case. I went down at Thompson's pasture. Stator came to me and told me soon that my son was cleared and a free man. I went up to the courthouse. The jury shook hands with me, so did the court, so did Lincoln. We were all affected, and tears streamed down Lincoln's eyes. He then remarked to me: 'Hannah, what did I tell you? I pray to God that William may be a good boy hereafter; that this lesson may prove in the end a good lesson to him and to all.' \* \* \*. After the trial was over Lincoln came down to where I was in Beardstown. I asked him what he charged me; told him I was poor. He said: 'Why, Hannah, I shan't charge you a cent—never. Anything I can do for you I will do for you willingly and freely without charges.' He wrote to me about some land which some men were trying to get from me and said: 'Hannah, they can't get your land. Let them try it in the circuit court, and then you appeal it. Bring it to the supreme court, and I and Herndon will attend to it for nothing.'

This boy William enlisted in the Union army. But in 1863 Hannah concluded she "wanted" him. She does not say that William was laboring under any disability or that he had any legal right to his discharge. She merely "wanted" him and wrote Mr. Lincoln to that effect. He replied promptly by telegraph:

September, 1863.

Mrs. Hannah Armstrong—I have just ordered the discharge of your boy William, as you say, now at Louisville, Ky.

A. LINCOLN.

(Continued tomorrow.)



# LINCOLN

## As Lawyer and Debater

By WARD HILL LAMON.

Lincoln's Friend and Bodyguard.  
FEBRUARY 9, 1908

(Continued.)

For many years Mr. Lincoln was the attorney of the Illinois Central Railway company, and, having rendered in some recent causes most important and laborious services, he presented a bill in 1857 for \$5,000. He pressed for his money and was referred to some under official who was charged with that class of business. Mr. Lincoln would probably have modified his bill, which seemed exorbitant as charges went among country lawyers, but the company treated him with such rude insolence that he contented himself with a formal demand and then immediately instituted suit on this claim. The case was tried at Bloomington before Judge Davis, and upon affidavits of N. B. Judd, O. H. Browning, S. T. Logan and Archy Williams, respecting the value of the services, was decided in favor of the plaintiff and judgment given for \$5,000. This was much more money than Mr. Lincoln had ever had at one time.

In the summer of 1859 Mr. Lincoln went to Cincinnati to argue the celebrated McCormick reaping machine case. Mr. Edwin M. Stanton, whom he never saw before, was one of his colleagues and the leading counsel in the case, and although the other gentlemen engaged received him with proper respect, Mr. Stanton treated him with such marked and habitual courtesy that he was compelled to withdraw from the case. When he reached home he said that he had

"never been so brutally treated as by that man Stanton," and the facts justified the statement.

### CHAPTER IV.

#### Lincoln's One Term as a Member of Congress.

**A**BRAHAM LINCOLN was elected to congress from the Springfield district in 1846, his opponent being Rev. Peter Cartwright, the noted pioneer preacher. At the meeting of the Thirtieth congress, in December, 1847, Mr. Lincoln took his seat and went about the business of his office with a strong determination to do something memorable. He was the only Whig member from Illinois and would be carefully watched. His colleagues were several of them old acquaintances of the Vandilla times. They were John

McClernand, O. B. Ficklin, William A. Richardson, Thomas J. Turner, Robert Smith and John Wentworth (Long John). And at this session that alert, tireless, ambitious little man, Stephen A. Douglas, took his seat in the senate.

The roll of this house shone with an array of great and brilliant names. Robert C. Winthrop was the speaker. On the Whig side were John Quincy Adams, Horace Mann, Hunt of New York, Collamer of Vermont, Ingersoll of Pennsylvania, Botts and Goggin of Virginia, Morehead of Kentucky, Caleb B. Smith of Indiana, Stephens and Toombs of Georgia, Gentry of Tennessee and Vinton and Schenck of Ohio. On the Democratic side were Wilmot of Pennsylvania, McLane of Maryland, McDowell of Virginia, Rhett of South Carolina, Cobb of Georgia, Boyd of Kentucky, Brown and Thompson of Mississippi and Andrew Johnson and George W. Jones of Tennessee. In the senate were Webster, Calhoun, Benton, Berrien, Clayton, Bell, Hunter and William R. King.

The house organized on the 6th, and the day previous to that Mr. Lincoln wrote to his friend and law partner, William H. Herndon:

Washington, Dec. 5, 1847.

Dear William—You may remember that about a year ago a man by the name of Wilson (James Wilson, I think) paid us \$20 as an advance fee to attend to a case in the supreme court for him against a Mr. Campbell, the record of which case was in the hands of Mr. Dixon of St. Louis, who never furnished it to us. When I was at Bloomington last fall I met a friend of Wilson, who mentioned the subject to me and induced me to write to Wilson telling him that I would leave the \$20 with you which had been left with me to pay for making abstracts in the case, so that the case may go on this winter, but I came away and forgot to do it. What I want now is to send you the money to be used accordingly if any

one comes on to start the case or to be retained by you if no one does.

There is nothing of consequence new here. Congress is to organize tomorrow. Last night we held a Whig caucus for the house and nominated Winthrop of Massachusetts for speaker, Sargent of Pennsylvania for sergeant at arms, Homer of New Jersey doorkeeper and McCormick of District of Columbia postmaster. The Whig party majority in the house is so small that, together with some little dissatisfaction, leaves it doubtful whether we will elect them all.

This paper is too thick to fold, which is the reason I send only a half sheet. Yours as ever,

A. LINCOLN.

Again on the 13th, to the same gentleman:

Washington, Dec. 13, 1847.

Dear William—Your letter advising me of the receipt of our fee in the bank case is just received, and I don't expect to hear another as good a piece of news from Springfield while I am away. I am

under no obligations to the bank, and I therefore wish you to buy bank certificates and pay my debt there, so as to pay it with the least money possible. I would as soon you should buy them of Mr. Ridgely or any other person at the bank as of any one else, provided you can get them as cheaply. I suppose after the bank debt shall be paid there will be some money left, out of which I would like to have you pay Lavelle and Stout \$20 and Priest and somebody (oil makers) \$10 for materials got for house painting. If there shall still be any left, keep it till you see or hear from me.

I shall begin sending documents so soon as I can get them. I wrote you yesterday about a "Congressional Globe." As you are all so anxious for me to distinguish myself, I have concluded to do so before long. Yours truly,

A. LINCOLN.

Mr. Lincoln was a member of the committee on postoffices and postroads and in that capacity had occasion to study the claim of a mail contractor who had appealed to congress against a decision of the department. Mr. Lincoln made a speech on the case in which, being his first, he evidently felt some pride, and reported progress to his friends at home:

Washington, Jan. 8, 1848.

Dear William—Your letter of Dec. 27 was received a day or two ago. I am much obliged to you for the trouble you have taken and promise to take in my little business there. As to speechmaking, by way of getting the hang of the house, I made a little speech two or three days ago on a postoffice question of no general interest. I find speaking here and elsewhere about the same thing. I was about as badly scared, and no worse, as I am when I speak in court. I expect to make one within a week or two in which I hope to succeed well enough to wish you to see it.

It is very pleasant to me to learn from you that there are some who desire that I should be re-elected. I most heartily thank them for the kind partiality, and I can say, as Mr. Clay said of the annexation of Texas, that "personally I would not object" to a re-election, although I thought at the time and still think it would be quite as well for me to return to the law at the end of a single term. I made the declaration that I would not be a candidate again more from a wish to deal fairly with others, to keep peace among our friends and to keep the district from going to the enemy than for any cause personal to myself. So that if it should happen that nobody else

wishes to be elected I could not refuse the people the right of sending me again. But to enter myself as a competitor of others or to authorize any one so to enter me is what my word and honor forbid.

I get some letters intimating a probability of so much difficulty among our friends as to lose us the district, but I remember such letters were written to Baker when my own case was under consideration, and I trust there is no more ground for such apprehension now than there was then.

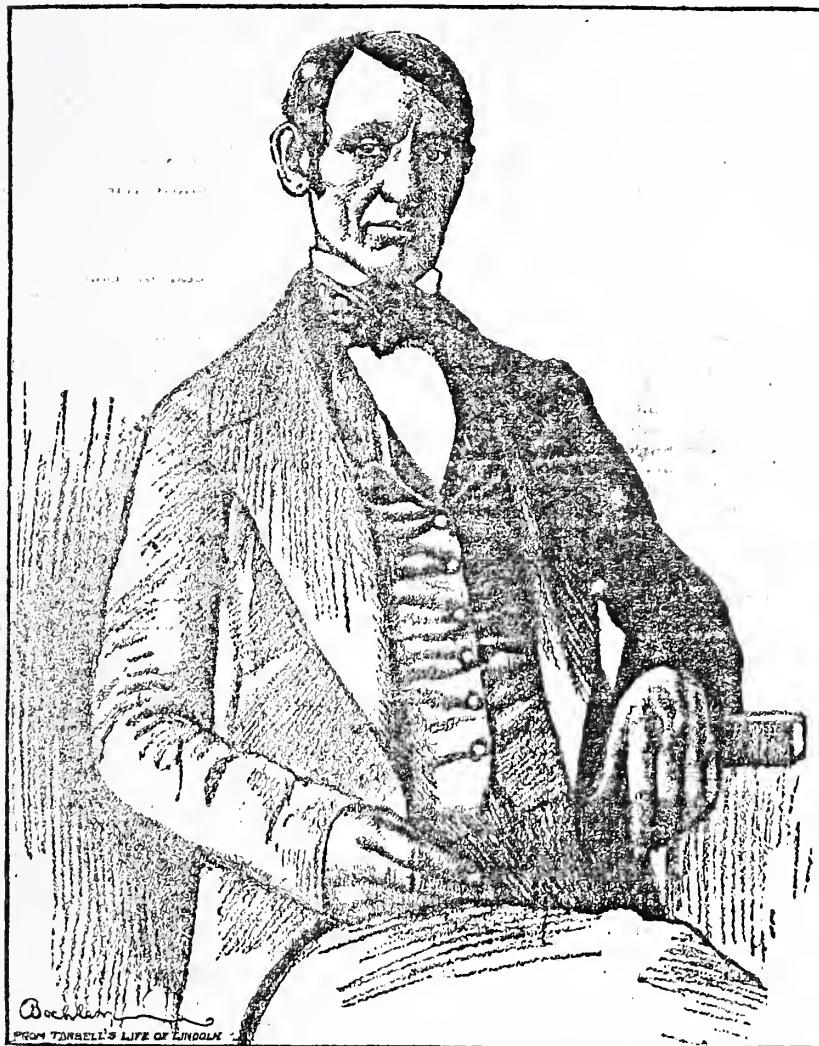
Remember I am always glad to receive a letter from you. Most truly your friend,

A. LINCOLN.

### Hotly Opposed Mexican War.

Thoroughly hostile to Polk and hotly opposed to the war, Mr. Lincoln took an active although not a leading part in the discussions relating to the commencement and conduct of the latter. He was politician enough, however, to go with the majority of his party in voting supplies to the troops and thanks to the generals, while censuring the president by solemnly declaring that the "war was unnecessarily and unconstitutionally begun by the president of the United States." But his position and the position of the Whigs will be made sufficiently apparent by the productions of his own pen.

(Continued Monday.)



LINCOLN AT THE TIME HE ENTERED CONGRESS.

This is the earliest portrait of Abraham Lincoln, and it was made in 1848 or thereabouts, when Lincoln was thirty-nine years of age. The original daguerreotype is owned by the Hon. Robert T. Lincoln. An excellent reproduction of it appears in "The Life of Abraham Lincoln" by Ida M. Tarbell.



# LINCOLN

## As Lawyer and Debater

By WARD HILL LAMON.

Lincoln's Friend and Bodyguard.  
FEBRUARY 10, 1890.

(Continued.)

On the 22d of December, 1847, Mr. Lincoln introduced a preamble and resolutions which attained great celebrity in Illinois under the title of "Spot Resolutions" and in all probability lost the party a great many votes in the Springfield district. They were as follows:

Whereas, The president of the United States in his message of May 11, 1846, has declared that "the Mexican government not only refused to receive him (the envoy of the United States) or listen to his propositions, but after a long continued series of menaces has at last invaded our territory and shed the blood of our fellow citizens on our own soil;"

And again, in his message of Dec. 8, 1846, that "we had ample cause of war against Mexico long before the breaking out of hostilities, but even then we forbore to take redress into our own hands until Mexico herself became the aggressor by invading our soil in hostile array and shedding the blood of our citizens;"

And yet again, in his message of Dec. 7, 1847, that "the Mexican government refused even to hear the terms of adjustment which he (our minister of peace) was authorized to propose and finally, under wholly unjustifiable pretexts, involved the two countries in war by invading the territory of the state of Texas, striking the first blow and shedding the blood of our citizens on our own soil;" and,

Whereas, This house is desirous to obtain a full knowledge of all the facts which go to establish whether the particular spot on which the blood of our citizens was so shed was or was not at that time "our own soil;" therefore,

Resolved by the house of representatives, That the president of the United States be respectfully requested to inform this house—

First.—Whether the spot on which the blood of our citizens was shed, as in his messages declared, was or was not within the territory of Spain at least after the treaty of 1819 until the Mexican revolution.

Second.—Whether that spot is or is not within the territory which was wrested from Spain by the revolutionary government of Mexico.

Third.—Whether that spot is or is not within a settlement of people which settlement has existed ever since long before the Texas revolution and until its inhabitants fled before the approach of the United States army.

Fourth.—Whether that settlement is or is not isolated from any and all other settlements by the gulf and the Rio Grande on the south and west and by wide, uninhabited regions on the north and east.

Fifth.—Whether the people of that settlement or a majority of them or any of them have ever submitted themselves to the government or laws of Texas or of the United States by consent or by compulsion, either by accepting office or voting at elections or paying tax or serving on juries or having process served upon them or in any other way.

Sixth.—Whether the people of that settlement did or did not flee from the approach of the United States army, leaving unprotected their homes and their growing crops, before the blood was shed, as in the messages stated, and whether the first blood so shed was or was not shed within the inclosure of one of the people who had thus fled from it.

Seventh.—Whether our citizens whose blood was shed, as in his messages declared, were or were not at that time armed officers and soldiers, sent into that settlement by the military order of the president through the secretary of war.

Eighth.—Whether the military force of the United States was or was not so sent into that settlement after General Taylor had more than once intimated to the war department that in his opinion no such movement was necessary to the defense or protection of Texas.

Mr. Lincoln improved the first favorable opportunity (Jan. 12, 1848) to address the house in the spirit of the "Spot Resolutions."

This speech he hastened to send home as soon as it was printed, for, while throughout he trod on unquestionable Whig ground, he had excellent reasons to fear the result. The following is the first letter to Mr. Herndon after the delivery of the speech and notifying him of the fact:

Washington, Jan. 19, 1848.

Dear William—Inclosed you find a letter of Louis W. Candler. What is wanted is that you shall ascertain whether the claim upon the note described has received any dividend in the probate court of Christian county, where the estate of Mr. Overton Williams has been administered on. If nothing is paid on it, withdraw the note and send it to me, so that Candler can see the indorser of it. At all events write me all about it, till I can somehow get it off hands. I have already been bored more than enough about it, not the least of which annoyance is his cursed, unreadable and ungodly handwriting.

I have made a speech, a copy of which I will send you by next mail. Yours as ever,

A. LINCOLN.

About the last of January or the first of February he began to hear the first murmurs of alarm and dissatisfaction from his district. He was now on the defensive and compelled to write long and tedious letters to pacify some of the Whigs. Of this character are two extremely interesting epistles to Mr. Herndon:

Washington, Feb. 1, 1848.  
Dear William—Your letter of the 19th ult. was received last night, and for which I am much obliged. The only thing in it that I wish to talk to you about at once is that, because of my vote for Ashmun's amendment, you fear that you and I disagree about the war. I regret this, not because of any fear we shall remain disagreed after you have read this letter, but because if you misunderstand I fear other good friends may also. That vote affirms that the war was unnecessarily and unconstitutionally commenced by the president, and I will stake my life that if you had been in my place you would have voted just as I did. Would you have voted what you felt and knew to be a lie? I know you would not. Would you have gone out of the house—skulked the votc? I expect not. If you had skulked one vote, you would have had to skulk many more before the end of the session. Richardson's resolutions, introduced before I made any move or gave any vote upon the subject, make the direct question of the justice of the war, so that no man can be silent if he would. You are compelled to speak, and your only alternative is to tell the truth or tell a lie. I cannot doubt which you would do.

This vote has nothing to do in determining my votes on the questions of supplies. I have always intended and still

intend to vote supplies, perhaps not in the precise form recommended by the president, but in a better form for all purposes except Locofoco party purposes. It is in this particular you seem mistaken. The Locos are untiring in their efforts to make the impression that all who vote supplies or take part in the war do, of necessity, approve the president's conduct in the beginning of it, but the Whigs have from the beginning made and kept the distinction between the two. In the very first act nearly all the Whigs voted against the preamble declaring that war existed by the act of Mexico, and yet nearly all of them voted for the supplies.

As to the Whig men who have participated in the war, so far as they have spoken to my hearing, they do not hesitate to denounce as unjust the president's conduct in the beginning of the war. They do not suppose that such denunciation is directed by undying hatred to them, as the Register would have it believed. There are two such Whigs on this floor, Colonel Haskell and Major James. The former fought as a colonel by the side of Colonel Baker at Corro Gordo and stands side by side with me in the vote that you seem dissatisfied with. The latter, the history of whose capture with Cassius Clay you well know, had not arrived here when that vote was given; but, as I understand, he stands ready to give just such a vote whenever an occasion shall present. Baker, too, who is now here, says the truth is undoubtedly that way, and whenever he shall speak out he will say so. Colonel Donaphin, too, the favorite Whig of Missouri and who overran all northern Mexico, on his return home in a public speech at St. Louis condemned the administration in relation to the war, if I remember.

G. T. M. Davis, who has been through almost the whole war, declares in favor of Mr. Clay, from which I infer that he adopts the sentiments of Mr. Clay, generally at least. On the other hand, I have heard of but one Whig who has been to the war attempting to justify the president's conduct. That one was Captain Bishop, editor of the Charleston Courier and a very clever fellow. I do not mean this letter for the public, but for you. Before it reaches you you will have seen and read my pamphlet speech and perhaps scared anew by it. After you get over your scare read it over again sentence by sentence and tell me honestly what you think of it. I condensed all I could for fear of being cut off by the hour rule, and when I got through I had spoken but forty-five minutes. Yours forever,

A. LINCOLN.

Washington, Feb. 15, 1848.

Dear William—Your letter of the 29th January was received last night. Being exclusively a constitutional argument, I wish to submit some reflections upon it in the same spirit of kindness that I know actuates you. Let me first state what I understand to be your position. It is that, if it shall become necessary to repel invasion the president may, without violation of the constitution, cross the line and invade the territory of another country, and that whether such necessity exists in any given case the president is the sole judge.

Before going farther consider well whether this is or is not your position. If it is; it is a position that neither the president himself nor any friend of his, so far as I know, has ever taken. Their only positions are, first, that the soil was ours where the hostilities commenced, and, second, that, whether it was rightfully ours or not, congress had annexed it, and the president for that reason was bound to defend it, both of which are as clearly proved to be false in fact as you can prove that your house is mine. That soil was not ours, and congress did not annex or attempt to annex it. But, to return to your position. Allow the president to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such purpose, and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect after having given him so much as you propose. If today he should choose to say he thinks it necessary to invade Canada to prevent the British from invading us, how could you stop him? You may say to him, "I see no probability of the British invading us," but he will say to you, "Be silent. I see it if you don't."

The provision of the constitution giving the war making power to congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the constitution that no one man should hold the power of bringing this oppression upon us. But your view destroys the whole matter and places our president where kings have always stood.

Write soon again. Yours truly,  
A. LINCOLN.

(Continued tomorrow.)



# LINCOLN

## As Lawyer and Debater

By WARD HILL LAMON,

Lincoln's Friend and Bodyguard.

FEBRUARY 11, 1930

(Continued.)

### CHAPTER V.

#### Lincoln Supports General Taylor For President.

THE Whig national convention to nominate a candidate for the presidency was to meet at Philadelphia on the 1st of June, 1848, and Mr. Lincoln was to be a member. He was not a Clay man. He wanted a candidate that could be elected, and he was for "Old Rough" (General Zachary Taylor) as the only available material at hand. But let him explain himself:

Washington, April 30, 1848.

Dear Williams—I have not seen in the papers any evidence of a movement to send a delegate from your circuit to the June convention. I wish to say that I think it all important that a delegate should be sent. Mr. Clay's chance for an election is just no chance at all. He might get New York, and that would have elected in 1844, but it will not now, because he must now at the least lose Tennessee, which he had then, and in addition the fifteen new votes of Florida, Texas, Iowa and Wisconsin. I know our good friend Browning is a great admirer of Mr. Clay, and I therefore fear he is favoring his nomination. If he is, ask him to discard feeling and try, if he can possibly, as a matter of judgment, count the votes necessary to elect him.

In my judgment we can elect nobody but General Taylor, and we cannot elect him without a nomination. Therefore don't fail to send a delegate. Your friend as ever,

A. LINCOLN.  
To Archibald Williams, Esq.

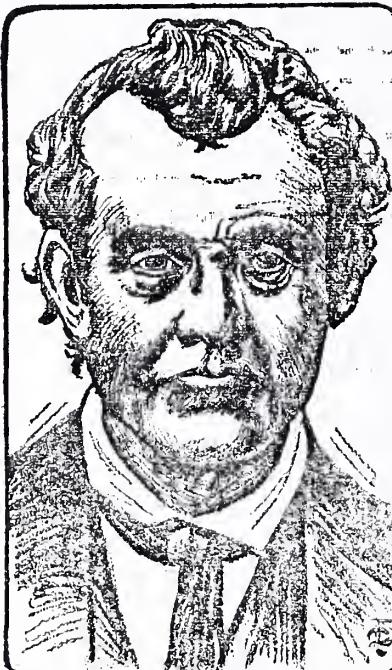
Washington, June 12, 1848.

Dear Williams—On my return from Philadelphia, where I had been attending the nomination of "Old Rough," I found your letter in a mass of others which had accumulated in my absence. By many and often it had been said they would not abide the nomination of Taylor, but since the deed has been done they are fast failing in, and in my opinion we shall have a most overwhelming, glorious triumph. One unmistakable sign is that all the odds and ends are with us—Barnburners, Native Americans, Tyler men, disappointed office seeking Locofocos and the Lord knows what. This is important, if nothing else in showing which way the wind blows. Some of the sanguine men here set down all the states as certain for Taylor but Illinois, and it is doubtful. Cannot something be done "even" in Illinois? Taylor's nomination takes the Locos on the blind side. It turns the war thunder against them. The war is now to them the gallows of Haman, which they built for us, and on which they are doomed to be hanged themselves.

Excuse this short letter. I have so many more to write that I cannot devote much time to any one. Yours as ever,

A. LINCOLN.

But his young partner in the law gave him a great deal of annoyance. Mr. Herndon seems to have been troubled by patriotic scruples. He could not understand how the war had been



REV. PETER CARTWRIGHT. BEATEN FOR CONGRESS BY LINCOLN IN 1846.

begun unconstitutionally and unnecessarily by President Polk nor how the Whigs could vote supplies to carry on the war without indorsing the war itself. Besides all this, he sent news of startling defections, and the weary representative took up his pen again and again to explain, defend and advise:

Washington, June 22, 1848.

Dear William—Last night I was attending a sort of caucus of the Whig members held in relation to the coming presidential election. The whole field of the nation was scanned, and all is high hope and confidence. Illinois is expected to better her condition in this race. Under these circumstances judge how heart-rending it was to come to my room and find and read your discouraging letter of the 15th. We have made no gains, but have lost "H. R. Robinson, Turner, Campbell and four or five more." Tell Arney to reconsider if he would be saved. Baker and I used to do something, but I think you attach more importance to our absence than is just. There is another cause: In 1840, for instance, we had two senators and five representatives in Sangamon. Now we have part of one sen-

ator and two representatives. With quite one-third more people than we had then we have only half the sort of offices which are sought by men of the speaking sort of talent. This, I think, is the chief cause. Now, as to the young men. You must not wait to be brought forward by the older men. For instance, do you suppose that I should ever have got into notice if I had waited to be hunted up and pushed forward by older men? You young men get together and form a Rough and Ready club and have regular meetings and speeches. Take in everybody that you can get. Garrison, Grimesley, Z. A. Enos, Lee Kimball and C. W. Matheny will do to begin the thing, but as you go along gather up all the shrewd, wild boys about town, whether just of age or a little under age—Chris Logan, Reddick Ridgely, Lewis Zwizler and hundreds such. Let every one play the part he can play best—some speak, some sing and all hollow. Your meetings will be of evenings. The older men and the women will go to hear you so that it will not

only contribute to the election of Old Zack, but will be an interesting pastime and improving to the intellectual faculties of all engaged. Don't fail to do this.

You ask me to send you all the speeches made about Old Zack, the war, etc. Now, this makes me a little impatient. I have regularly sent you the Congressional Globe and Appendix, and you cannot have examined them or you would have discovered that they contain every speech made by every man in both houses of congress on every subject during the session. Can I send any more? Can I send speeches that nobody has made? Thinking it would be most natural that the newspapers would feel interested to give at least some of the speeches to their readers, I at the beginning of the session made arrangements to have one copy of the Globe and Appendix regularly sent to each Whig paper of the district. And yet, with the exception of my own little speech, which was published in two only of the then five, now four, Whig papers, I do not remember having seen a single speech or even extract from one in any single one of those papers. With equal and full means on both sides, I will venture that the State Register has thrown before its readers more of Locofoco speeches in a month than all the Whig papers of the district have done of Whig speeches during the session.

If you wish a full understanding of the war, I repeat what I believe I said to you in a letter once before, that the whole or nearly so is to be found in the speech of Dixon of Connecticut. This I sent you in pamphlet as well as in the Globe. Examine and study every sentence of that speech thoroughly and you will understand the whole subject.

You ask how congress came to declare that war had existed by the act of Mexico. Is it possible you don't understand that yet? You have at least twenty speeches in your possession that fully explain it. I will, however, try it once more. The news reached Washington of the commencement of hostilities on the Rio Grande and of the great peril of General Taylor's army. Everybody, Whigs and Democrats, was for sending them aid in men and money. It was necessary to pass a bill for this. The Locos had a majority in both houses, and they brought in a bill with a preamble saying, "Whereas, War exists by the act of Mexico; therefore we send General Taylor money." The Whigs moved to strike out the preamble, so that they could vote to send the men and money without saying anything about how the war commenced; but, being in the minority, they were voted down, and the preamble was retained. Then, on the passage of the bill, the question came upon them, "Shall we vote for preamble and bill both together or against both together?" They did not want to vote against sending help to General Taylor, and therefore they voted for both together. Is there any difficulty in understanding this? Even my little speech shows how this was, and if you will go to the library you may get the Journal of 1845-6, in which you can find the whole for yourself.

We have nothing published yet with special reference to the Taylor race, but we soon will have, and then I will send them to everybody. I made an internal improvement speech day before yesterday, which I shall send home as soon as I can get it written out and printed and which I suppose nobody will read. Your friend as ever, A. LINCOLN.

Washington, July 10, 1848.

Dear William—Your letter covering the newspaper slips was received last night. The subject of that letter is exceedingly painful to me, and I cannot but think there is some mistake in your impression of the motives of the old men. I suppose I am now one of the old men, and I declare on my veracity, which I think is good with you, that nothing could afford me more satisfaction than to learn that you and others of my young friends at home were doing battle in the contest and endearing themselves to the people and taking a stand far above any I have ever been able to reach in their admiration. I cannot conceive that other old men feel differently. Of course I cannot demonstrate what I say, but I was young once, and I am sure I was never ungenerously thrust back. I hardly know what to say. The way for a young man to rise is to improve himself every way he can, never suspecting that anybody wishes to hinder him. Allow me to assure you that suspicion and jealousy never did help any man in any situation. There may sometimes be ungenerous attempts to keep a young man down, and they will succeed, too, if he allows his mind to be diverted from its true channel, to brood over the attempted injury. Cast about and see if this feeling has not injured every person you have ever known to fall into it.

Now, in what I have said I am sure you will suspect nothing but sincere friendship. I would save you from a fatal error. You have been a laborious, studious young man. You are far better informed on almost all subjects than I have ever been. You cannot fail in any laudable object unless you allow your mind to be improperly directed. I have some the advantage of you in the world's experience, merely by being older, and it is this that induces me to advise.

You still seem to be a little mistaken about the Congressional Globe and Appendix. They contain all of the speeches that are published in any way. My speech and Dayton's speech, which you say you got in pamphlet form, are both word for word in the Appendix. I repeat again, all are there. Your friend as ever,

A. LINCOLN.

The "internal improvement" speech to which Mr. Lincoln alludes in one of these letters was delivered on the 20th of June and contained nothing remarkable or especially characteristic. It was in the main merely the usual Whig argument in favor of the constitutionality of Mr. Clay's "American system."

(Continued tomorrow.)



# LINCOLN

## As Lawyer and Debater

By WARD HILL LAMON,

Lincoln's Friend and Bodyguard.

FEBRUARY 12 1868

(Continued.)

### Lincoln's "Electioneering Speech."

But after the nominations at Baltimore and Philadelphia everybody in either house of congress who could compose anything at all "on his legs" or in the closet felt it incumbent upon him to contribute at least one electioneering speech to the political literature of the day. At last, on the 27th of July, Mr. Lincoln found an opportunity to make his. Few like it have ever been heard in either of those venerable chambers. It is a common remark of those who know nothing of the subject that Mr. Lincoln was devoid of imagination, but the readers of this speech entertain a different opinion. It opens to us a mind fertile in images sufficiently rare and striking, but of somewhat questionable taste. It must have been heard in amazement by those gentlemen of the house who had never known a Illinois or seen a New Salem. The one interesting phase of the speech is Lincoln's description of his experiences in the Black Hawk war. He said:

"By the way, Mr. Speaker, did you know I am a military hero? Yes, sir. In the days of the Black Hawk war I fought, bled and came away. Speaking of General Cass' career reminds me of my own. I was not at Stillman's defeat, but I was about as near it as Cass was to Hull's surrender, and, like him, I saw the place very soon afterward. It is quite certain I did not break my sword, for I had none to break, but I bent my musket pretty badly on one occasion. If Cass broke his sword, the idea is he broke it in desperation. I bent the musket by accident. If General Cass went in advance of me picking whortleberries I guess I surpassed him in charges upon the wild onions. If he saw any live fighting Indians, it was more than I did, but I had a good many bloody struggles with the mosquitoes, and, although I never fainted from loss of blood, I can truly say I was often very hungry."

"Mr. Speaker, if ever I should conclude to doff whatever our Democratic friends may suppose there is of black cockade Federalism about me, and thereupon they shall take me up as their candidate for the presidency, I protest that they shall not make fun of me, as they have of General Cass, by attempting to write me into a military hero."

Congress adjourned on the 14th of August, but Mr. Lincoln went to New



PRESIDENT JAMES K. POLK, WHOSE WAR WITH MEXICO WAS OPPOSED BY LINCOLN.

England and made various campaign speeches before he returned home. They were not preserved and were probably of little importance.

Soon after his return to Washington to take his seat at the second session of the Thirtieth congress he received a letter from his father which astonished and perhaps amused him. His reply intimates grave doubts concerning the veracity of his correspondent:

Washington, Dec. 24, 1848.

My Dear Father—Your letter of the 7th was received night before last. I very cheerfully send you the \$20, which sum you say is necessary to save your land from sale. It is singular that you should have forgotten a judgment against you, and it is more singular that the plaintiff should have let you forget it so long, particularly as I suppose you always had property enough to satisfy a judgment of that amount. Before you pay it it would be well to be sure you have not paid or at least that you cannot prove you have paid it. Give my love to mother and all the connections. Affectionately your son,

A. LINCOLN.

The second session was a quiet one. Mr. Lincoln did nothing to attract public attention in any marked degree. He attended diligently and unobtrusively to the ordinary duties of his of-

fice and voted generally with the Whig majority. One Mr. Gott, however, of New York offered a resolution looking to the abolition of the slave trade in the District of Columbia, and Mr. Lincoln was one of only three or four northern Whigs who voted to lay the resolution on the table. At another time, however, Mr. Lincoln proposed a substitute for the Gott resolution providing for gradual and compensated emancipation, with the consent of the people of the District, to be ascertained at a general election. This measure he evidently abandoned, and it died a natural death among the rubbish of "unfinished business." His record on the Wilmot proviso has been thoroughly exposed both by himself and Mr. Douglas and in the presidential campaign by his friends and foes. He said himself that he had voted for it "about forty-two times." It is not likely that he had counted the votes when he made this statement, but spoke according to the best of his "knowledge and belief."

The following letters are printed not because they illustrate the author's character more than a thousand others would, but because they exhibit one of the many perplexities of congressional life:

Springfield, April 25, 1849.

Dear Thompson—A tirade is still kept up against me here for recommending T. R. King. This morning it is openly avowed that my supposed influence at Washington shall be broken down generally and King's prospects defeated in particular. Now, what I have done in this matter I have done at the request of you and some other friends in Tazewell, and I therefore ask you to either admit it is wrong or come forward and sustain me. If the truth will permit, I propose that you sustain me in the following manner: Copy the enclosed scrap in your own handwriting and get everybody—not three or four, but 300 or 400—to sign it and then send it to me; also have six, eight or ten of our best known Whig friends there to write me individual letters, stating the truth in this matter as they understand it. Don't neglect or delay in the matter. I understand information of an indictment having been found against him about three years ago for gaming or keeping a gaming house has been sent to the department. I shall try to take care of it at the department till your action can be had and forwarded on. Yours as ever,

A. LINCOLN.

Washington, June 5, 1849.

Dear William—Your two letters were received last night. I have a great many letters to write and so cannot write very long ones. There must be some mistake about Walter Davis saying I promised him the postoffice. I did not so promise him. I did tell him that if the distribution of the offices should fall into my hands he should have something, and if I shall be convinced he has said any more than this I shall be disappointed.

I said this much to him because, as I understand, he is of good character, is one of the young men, is of the mechanics and always faithful and never troublesome, a Whig and is poor, with the support of a widow mother thrown almost exclusively on him by the death of his brother. If these are wrong reasons, then I have been wrong, but I have certainly not been selfish in it, because in my greatest need of friends he was against me and for Baker. Yours as ever,

A. LINCOLN.

P. S.—Let the above be confidential.

(Continued tomorrow.)



# LINCOLN

## As Lawyer and Debater

By WARD HILL LAMON,

Lincoln's Friend and Bodyguard.

FEBRUARY 13 1900

(Continued.)

### CHAPTER VI.

Mrs. Lincoln Declines Oregon Governorship For Abraham.

We have seen already from one of his letters to Mr. Herndon that Mr. Lincoln was personally quite willing to be a candidate for congress the second time. But his "honor" forbade. He had given pledges and made private arrangements with other gentlemen to prevent "the district from going to the enemy." Judge Stephen T. Logan was nominated in his place, and, although personally one of the most popular men in Illinois, he was sadly beaten in consequence of the record which the Whig party had made "against the war." It was well as it was, for if Mr. Lincoln had been the candidate he would have been still more disastrously defeated since it was mainly the votes he had given in congress which Judge Logan found it so difficult to explain and impossible to defend.

Mr. Lincoln was an applicant, and a very urgent one, for the office of commissioner of the general land office in the new Whig administration. He moved his friends to urge him in the newspapers and wrote to some of his late associates in congress (among them Mr. Schenck of Ohio) soliciting their support. But it was all of no avail. Mr. Justin Butterfield (also an Illinoisian) beat him "in the race to Washington" and got the appointment. It is said by one of Mr. Lincoln's numerous biographers that he often laughed over his failure to secure this great office, pretending to think it beneath his merits, but we can find no evidence of the fact alleged and have no reason to believe it.

Mr. Fillmore subsequently offered him the governorship of Oregon. The news reached him while away at court at Tremont or Bloomington. Mr. Stuart and others "coaxed him to take it," the former insisting that Oregon would soon become a state and he one of its senators. Mr. Lincoln saw it all and said he would accept "if his wife would consent." But his wife "refused to do so," and time has shown that she was right, as she usually was when it came to a question of practical politics.

From the time of his retirement from congress to 1854, when the repeal of the Missouri compromise and the Kansas-Nebraska bill broke the hollow truce of 1850, which Mr. Clay and his compatriots fondly regarded as a peace,

Mr. Lincoln's life was one of comparative political inactivity. He did not believe that the sectional agitations could be permanently stilled by the devices which then seemed effectual to the foremost statesmen of either party and of both sections. But he was not disposed to be forward in the renewal of them. He probably hoped against conviction that time would allay the animosities which endangered at once the Union and the principles of free government, which had thus far preserved a precarious existence among the North American states.

Coming home to Springfield from the Tremont court in 1850 in company with Mr. Stuart, he said: "The time will come when we must all be Democrats or Abolitionists. When that time comes, my mind is made up. The 'slavery question' can't be compromised." "So is my mind made up," replied his equally firm companion, and at that moment neither doubted on which side he would find the other when the great struggle took place.

The Whig party everywhere—in congress and in their conventions, local and national—accepted the compromise of 1850 under the leadership of Mr. Clay and Mr. Webster. Mr. Lincoln did the same, for from the hour that party lines were distinctly and closely drawn in his state he was an unswerving party man. But, although he said nothing against those measures and much in favor of them, it is clear that he accepted the result with reluctance. He spoke out his disapproval of the fugitive slave law as it was passed, believing and declaring wherever he went that a negro man apprehended as a slave should have the privilege of a trial by jury instead of the summary processes provided by the law.

"Mr. Lincoln and I were going to Petersburg in 1850, I think," says Mr. Herndon. "The political world was dead. The compromises of 1850 seemed to settle the negro's fate. Things were stagnant, and all hope for progress in the line of freedom seemed to be crushed out. Lincoln was speculating with me about the deadness of things and the despair which arose out of it and deeply regretting that his human strength and power were limited by his nature to rouse and stir up the world. He said gloomily, despondingly, sadly: 'How hard, oh, how hard

it is to die and leave one's country no better than if one had never lived for it! The world is dead to hope, deaf to its own death struggle, made known by a universal cry, What is to be done? Is anything to be done? Who can do anything, and how is it to be done? Did you ever think of these things?"

In 1850 Mr. Lincoln again declined to be a candidate for congress, and a newspaper called the Tazewell Mirror persisting in naming him for the place he published a letter refusing most emphatically to be considered a candidate. The concluding sentence alleged that there were many men among the Whigs of the district who would be as

likely as he to bring "the district right side up."

Until the death of his excellent stepmother, Sarah Bush Lincoln, Mr. Lincoln never considered himself free for a moment from the obligation to look after and care for her family. She had made herself his mother, and he regarded her and her children as near relatives—much nearer than any of the Hankses.

#### Death of Lincoln's Father.

The limit of Thomas Lincoln's life was rapidly approaching. Mrs. Chapman, his stepdaughter, wrote Mr. Lincoln to that effect, and so did John Johnston. He began to fear that the straitened circumstances of the household might make them think twice before they sent for a doctor or procured other comforts for the poor old man, which he needed perhaps more than drugs. He was too busy to visit the dying man, but sent him a kind message and directed the family to get whatever was wanted upon his credit:

Springfield, Jan. 12, 1851.

Dear Brother—On the day before yesterday I received a letter from Harriet, written at Greenup. She says she has just returned from your house and that father is very low and will hardly recover. She also says that you have written me two letters and that, although you do not expect me to come now, you wonder that I do not write. I received both your letters, and, although I have not answered them, it is not because I have forgotten them or not been interested about them, but because it appeared to me I could write nothing which could do any good. You already know I desire that neither father nor mother shall be in want of any comfort either in health or sickness while they live, and I feel sure you have not failed to use my name, if necessary, to procure a doctor or anything else for father in his present sickness. My business is such that I could hardly leave home now if it were not, as it is, that my own wife is sick a-bed. (It is a case of baby sickness and, I suppose, is not dangerous.) I sincerely hope father may yet recover his health, but, at all events, tell him to remember to call upon and confide in our great and good and merciful Maker, who will not turn away from him in any extremity. He notes the fall of a sparrow and numbers the hairs of our heads, and he will not forget the dying man who puts his trust in him. Say to him that if we could meet now it is doubtful whether it would not be more painful than pleasant, but that if it be his lot to go now he will soon have a joyous meeting with loved ones gone before and where the rest of us, through the help of God, hope ere long to join them. Write me again when you receive this. Affectionately,

A. LINCOLN.

Before and after the death of Thomas Lincoln, John Johnston and Mr. Lincoln had a somewhat spirited correspondence regarding John's present necessities and future plans. John was idle, thriftless, penniless and as much disposed to rove as poor old Tom had been in his earliest and worst days. This lack of character and enterprise on John's part added seriously to Mr. Lincoln's anxieties concerning his stepmother and greatly embarrassed his attempts to provide for her. At length he wrote John the following energetic exhortation, coupled with a most magnanimous pecuniary offer. The letter makes John an intimate acquaintance of the reader:

#### Advice to John Johnston.

Dear Johnston—Your request for \$30 I do not think it best to comply with now. At the various times when I have helped you a little you have said to me, "We can get along very well now," but in a very short time I find you in the same difficulty again. Now, this can only happen by some defect in your conduct. What that defect is I think I know. You are not lazy, and still you are an idler. I doubt whether since I saw you you have done a good whole day's work in any one day. You do not very much dislike to work, and still you do not work much merely because it does not seem to you that you could get much for it. This habit of uselessly wasting time is the whole difficulty, and it is vastly important to you and still more so to your children that you should break the habit. It is more important to them, because they have longer to live and can keep out of an idle habit before they are in it easier than they can get out after they are in.

You are now in need of some money, and what I propose is that you shall go to work "tooth and nail" for somebody who will give you money for it. Let father and your boys take charge of things at home, prepare for a crop and make the crop, and you go to work for the best money wages or in discharge of any debt you owe that you can get, and to secure you a fair reward for your labor I now promise you that for every dollar you will between this and the 1st of next May get for your own labor, either in money or as your own indebtedness, I will then give you one other dollar. By this, if you hire yourself at \$10 a month, from me you will get ten more, making \$20 a month for your work. In this I do not mean you shall go off to St. Louis or the lead mines or the gold mines in California, but I mean for you to go at it for the best wages you can get close to home in Cole's county. Now, if you will do this you will be soon out of debt, and, what is better, you will have a habit that will keep you from getting in debt again. But if I should now clear you out of debt next year you would be just as deep in as ever. You say you would almost give your place in heaven for \$70 or \$80. Then you value your place in heaven very cheap, for I am sure you can, with the offer I make, get the \$70 or \$80 for four or five months' work. You say if I will furnish you the money you will deed me the land and if you don't pay the money back you will deliver possession. Nonsense! If you can't now live with the land, how will you then live without it? You have always been kind to me, and I do not mean to be unkind to you. On the contrary, if you will but follow my advice you will find it worth more than eighty times \$80 to you. Affectionately, your brother,

A. LINCOLN.

Again he wrote:

Sherman, Nov. 4, 1861.

Dear Brother—When I came into Charles-

ton day before yesterday I learned that you are anxious to sell the land where you live and move to Missouri. I have been thinking of this ever since and cannot but think such a notion is utterly

foolish. What can you do in Missouri better than here? Is the land any richer? Can you there any more than here raise corn and wheat and oats without work? Will anybody there any more than here do your work for you? If you intend to go to work, there is no better place than right where you are. If you do not intend to go to work, you cannot get along anywhere. Squirming and crawling about from place to place can do no good. You have raised no crop this year, and what you really want is to sell the land, get the money and spend it. Part with the land you have and, my life upon it, you will never after own a spot big enough to bury you in. Half you will get for the land you will spend in moving to Missouri, and the other half you will eat and drink and wear out, and no foot of land will be bought. Now, I feel it is my duty to have no hand in such a piece of foolery. I feel that it is so even on your own account and particularly on mother's account. The eastern forty acres I intend to keep for mother while she lives. If you will not cultivate it, it will rent for enough to support her—at least it will rent for something. Her dower in the other two forties she can let you have, and no thanks to me. Now, do not misunderstand this letter. I do not write it in any unkindness. I write it in order, if possible, to get you to face the truth, which truth is you are destitute because you have idled away all your time. Your thousand pretenses for not getting along better are all nonsense. They deceive nobody but yourself. Go to work is the only cure for your case.

A word to mother. Chapman tells me he wants you to go and live with him. If I were you, I would try it awhile. If you get tired of it, as I think you will not, you can return to your own home. Chapman feels very kindly to you, and I have no doubt he will make your situation very pleasant. Sincerely your son,

A. LINCOLN.

And again:

Shelbyville, Nov. 9, 1861.

Dear Brother—When I wrote you before I had not received your letter. I still think as I did. But if the land can be sold so that I get \$300 to put to interest for mother I will not object if she does not. But before I will make a deed the money must be had or secured beyond all doubt at 10 per cent.

As to Abram, I do not want him on my own account, but I understand he wants to live with me, so that he can go to school and get a fair start in the world, which I very much wish him to have. When I reach home, if I can make it convenient to take, I will take him, provided there is no mistake between us as to the object and terms of my taking him. In haste as ever,

A. LINCOLN.

(Continued tomorrow.)



# LINCOLN

## As Lawyer and Debater

By WARD HILL LAMON,  
Lincoln's Friend and Bodyguard.

FEBRUARY 14 1902

(Continued.)

### CHAPTER VII.

#### Lincoln For "Compensated Emancipation" and Colonization.

**O**N the 1st of July, 1852, Mr. Lincoln was chosen by a public meeting of his fellow citizens at Springfield to deliver in their hearing a eulogy upon the life and character of Henry Clay, and on the 16th of the same month he complied with their request. Such addresses are usually called orations, but this one scarcely deserved the name. He made no effort to be eloquent, and in no part of it was he more than ordinarily animated. It is true that he bestowed great praise upon Mr. Clay, but it was bestowed in cold phrases and a tame style, wholly unlike the bulk of his previous compositions. In truth, Mr. Lincoln was never so devoted a follower of Mr. Clay as some of his biographers have represented him. He was for another man in 1836, most probably for another in 1840 and very ardently for another in 1848. Dr. Holland credits him with a visit to Mr. Clay at Ashland and an interview which effectually cooled his ardor in behalf of the brilliant statesman. But, in fact, Mr. Lincoln never troubled himself to make such a pilgrimage to see or hear any man—much less Mr. Clay. None of his friends—Judge Davis, Mr. Herndon, Mr. Speed or any one else, so far as we are able to ascertain—ever heard of the visit. If it had been made at any time after 1838 it could scarcely have been concealed from Mr. Speed, and we are compelled to place it along with the multitude of groundless stories which have found currency with Mr. Lincoln's biographers.

If the address upon Clay is of any historical value at all it is because it discloses Mr. Lincoln's unreserved agreement with Mr. Clay in his opinions concerning slavery and the proper method of extinguishing it. They both favored gradual emancipation by the voluntary action of the people of the slave states and the transportation of the whole negro population to Africa as rapidly as they should be freed from service to their masters. It was a favorite scheme with Mr. Lincoln then, as it was long after he became president of the United States. "Compensated" and "voluntary emancipation," on the one hand, and "coloniza-

tion" of the freedmen, on the other, were essential parts of every "plan" which sprung out of his own individual mind. On this occasion, after quoting Mr. Clay, he said: "This suggestion of the possible ultimate redemption of the African race and African continent was made twenty-five years ago. Every succeeding year has added strength to the hope of its realization. May it indeed be realized!

Pharaoh's country was cursed with plagues, and his hosts were drowned in the Red sea for striving to retain a captive people who had already served them more than 400 years. May like disasters never befall us! If, as the friends of colonization hope, the present and coming generations of our countrymen shall by any means succeed in freeing our land from the dangerous presence of slavery and at the same time restoring a captive people to their long lost fatherland, with bright prospects for the future, and this, too, so gradually that neither races nor individuals shall have suffered by the change, it will indeed be a glorious consummation. And if to such a consummation the efforts of Mr. Clay shall have contributed it will be what he most ardently wished, and none of his labors will have been more valuable to his country and his kind."

#### A Very Poor Speech.

During the campaign of 1852 Judge Douglas took the stump for Pierce "in twenty-eight states out of the thirty-one." His first speech was at Richmond, Va. It was published extensively throughout the Union and especially in Illinois. Mr. Lincoln felt an ardent desire to answer it and, according to his own account, got the "permission" of the "Scott club" of Springfield to make the speech under its auspices. It was a very poor effort. If it was distinguished by one quality above another it was by its attempts at humor, and all those attempts were strained and affected as well as very coarse. He displayed a jealous and petulant temper from the first sentence to the last, wholly beneath the dignity of the occasion and the importance of the topic.

Considered as a whole, it may be said that none of his public performances was more unworthy of its really noble author than this one.

Mr. Douglas' great success in obtaining place and distinction was a standing offense to Mr. Lincoln's self love and individual ambition. Lincoln was intensely jealous of him and longed to pull him down or outstrip him in the race for popular favor, which they united in considering "the chief end of man." Some of the first sentences of this speech before the "Scott club" betray this feeling in a most unmistakable and painful manner. "This speech [that of Mr. Douglas at Richmond] has been published with high commendations in at least one of the Democratic papers in this state, and I suppose it has been and will be in most of the others. When I first saw it and read it I was reminded of old times, when Judge Douglas was not so much greater man than all the rest of us, as he is now—of the Harrison campaign twelve years ago, when I used to hear and try to answer many of his speeches, and believing that the Richmond speech, though marked with the same species of 'shirks and quirks' as the old ones, was not marked with any greater ability, I was seized with a strange inclination to attempt an answer to it, and this inclination it was that prompted me to seek the privilege of addressing you on this occasion."

In the progress of his remarks Mr. Lincoln emphatically indorsed Mr. Douglas' great speech at Chicago in 1850 in defense of the compromise measures, which Mr. Lincoln pronounced the work of no party, but which "for praise or blame" belong to Whigs and Democrats alike. The rest of the address was devoted to a humorous critique upon Mr. Douglas' language in the Richmond speech, to ridicule of the campaign biographies of Pierce, to a description of Generals Shields and Pierce wallowing in the ditch in the midst of a battle and to a most remarkable account of a militia muster which might have been seen at Springfield a few years previous. Mr. Douglas had expressed great confidence in the sober judgment of the people and at the same time had, rather inconsistently as well as indecently, declared that Providence had saved us from one military administration by the timely removal of General Taylor. To this Mr. Lincoln alluded in his closing paragraph, which is given as a fair sample of the whole:

"Let us stand by our candidate as faithfully as he has always stood by our country, and I much doubt if we do not perceive a slight abatement in Judge Douglas' confidence in Providence as well as in the people. I suspect that confidence is not more firmly fixed with the judge than it was with the old woman whose horse ran away with her in a buggy. She said she 'trusted in Providence till the britchin' broke, and then she didn't know what on alrh to do.' The chance is the judge will see the 'britchin' broke,' and then he can at his leisure bewail the fate of Locofocoism as the victim of misplaced confidence."

(Continued tomorrow.)



# LINCOLN

## As Lawyer and Debater

By WARD HILL LAMON.

Lincoln's Friend and Bodyguard.

YEARBOOK 15 1918

(Continued.)

### CHAPTER VIII.

#### Douglas and the Missouri Compromise Repeal.

**O**N the 4th of January, 1854, Mr. Douglas, chairman of the committee on territories of the senate of the United States, reported a bill to establish a territorial government in Nebraska. This bill contained nothing in relation to the Missouri compromise, which still remained upon the statute book, although the principle on which it was based had been violated in the compromise legislation of 1850. A Whig senator from Kentucky gave notice that when the committee's bill came before the senate he would move an amendment repealing the Missouri compromise. With this admonition in mind the committee instructed Mr. Douglas to report a substitute, which he did on the 23d of the same month. The substitute made two territories out of Nebraska and called one of them Kansas. It annulled the Missouri compromise, forbade its application to Kansas, Nebraska or any other territory and as amended and finally passed fixed the following rules: \* \* \* "It being the true intent and meaning of this act not to legislate slavery into any territory or state nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States."

Mr. Douglas had long since denounced his imprecations upon "the ruthless hand" that should disturb that ancient compact of peace between the sections, and now he put forth his own ingenious hand to do the deed and to take the curse, in both of which he was eminently successful. Not that the Missouri act may not have been repugnant to the constitution, for no court had ever passed upon it, but it was enacted for a holy purpose, was venerable in age, was consecrated in the hearts of the people by the unsurpassed eloquence of the patriots of a previous generation, and, having the authority of law, of reason and of covenant, it had till then preserved the Union, as its authors designed it should, and, being in truth a sacred thing, it was not a proper subject for the "ruthless" interference of mere politicians like those who now devot-

ed it to destruction. If, upon a regularly heard and decided issue, the supreme court should declare it unconstitutional, the decision of the compact could be attributed to no party—neither to slavery nor to antislavery—and the peace of the country might still subsist. But its repeal by the party that did it—a coalition of southern Whigs and Democrats with northern Democrats—was evidence of a design to carry slavery into the region north of 36 degrees 30 minutes or the legislation was without a purpose at all.

It was the first aggression of the south, but be it remembered in common justice that she was tempted to it by the treacherous proffers of a restless but powerful northern leader who asked no recompense but her electoral votes. In due time he opened her eyes to the nature of the fraud, and if he carried through the Kansas-Nebraska act to catch the votes of the south in 1850 it cost him no inconvenience to give it a false and startling construction to catch the votes of the north in 1860. In the repeal of the compromise the northern Democrats submitted with reluctance to the dictation of Douglas and the south. It was the great error of the party—the one disastrous error of all its history. The party succeeded in 1856 only by the nomination of Mr. Buchanan, who was out of the country when the Kansas-Nebraska act was passed and who was known to have opposed it. But the questions which grew out of it, the false and disingenuous construction of the act by its author, the slavery agitations in Kansas and throughout the country, disrupted the party at Charleston and made possible Mr. Lincoln's election by a minority of the votes cast. And to the Whig party, whose senators and representatives from the south voted for the Douglas bill in a body, the renewal of the slavery agitation, invited and insured by their action, was the signal of actual dissolution.

#### Lincoln's Early Views on Slavery.

Up to this date Mr. Lincoln's views of slavery and how they were formed are as well known to the reader as they can be made known from the materials left behind for a history of them. It is clear that his feelings on the subject were inspired by individual cases of apparent hardship which had come under his observation. John Hanks

on the last trip to New Orleans was struck by Lincoln's peculiarly active sympathy for the servile race and insists that upon sight of their wrongs "the iron entered his heart." In a letter to Mr. Speed, which will shortly be presented, Mr. Lincoln confesses to a similar experience in 1841 and speaks with great bitterness of the pain which the actual presence of chained and manacled slaves had given him. Indeed, Mr. Lincoln was not an ardent sympathizer with sufferings of any sort, which he did not witness with the eye of flesh. His compassion might be stirred deeply by an object present, but never by an object absent

and unseen. In the former case he would most likely extend relief, with little inquiry into the merits of the case, because, as he expressed it himself, it "took a pain out of his own heart," and he devoutly believed that every such act of charity or mercy sprung from motives purely selfish. None of his public acts, either before or after he became president, exhibits any special tenderness for the African race or any extraordinary commiseration of their lot. On the contrary, he invariably in words and deeds postponed the interests of the blacks to the interests of the whites and expressly subordinated the one to the other. When he was compelled by what he deemed an overruling necessity, founded on both military and political consideration, to declare the freedom of the public enemy's slaves he did so with avowed reluctance and took pains to have it understood that his resolution was in nowise affected by sentiment. He never at any time favored the admission of negroes into the body of electors in his own state or in the states of the south. He claimed that those who were incidentally liberated by the Federal arms were poor spirited, lazy and slothful; that they could be made soldiers only by force and willing laborers not at all; that they seemed to have no interest in the cause of their own race, but were as docile in the service of the rebellion as the mules that plowed the fields or drew the baggage trains, and as a people were useful only to those who were at the same time their masters and the foes of those who sought their good. With such views honestly formed, it is no wonder that he longed to see them transported to Haiti, Central America, Africa or anywhere, so that they might in no event and in no way participate in the government of his country. Accordingly he was from the beginning as earnest a colonizationist as Mr. Clay and even during his presidency zealously and persistently devised schemes for the deportation of the negroes, which the latter deemed cruel and atrocious in the extreme. He believed, with his rival, that this was purely a "white man's government" but he would have been perfectly willing to share its blessings with the black man had he not been very certain that the blessings would disappear when divided with such a partner. He was no Abolitionist in the popular sense; did not want to break over the safeguards of the constitution to interfere with slavery where it had a lawful existence, but

wherever his power rightfully extended he was anxious that the negro should be protected, just as women and children and unnaturalized men are protected in life, limb, property, reputation and everything that nature or law makes sacred. But this was all. He had no notion of extending to the negro the privilege of governing him and other white men by making him an elector. That was a political trust, an office to be exercised only by the superior race.

#### Aroused by Compromise Repeal.

It was therefore as a white man and in the interests of white men that he threw himself into the struggle to keep the blacks out of the territories. He did not want them there either as slaves or freemen, but he wanted them less as slaves than as freemen. He perceived clearly enough the motives of the south in repealing the Missouri compromise. It did, in fact, arouse him "like a fire bell in the night." He felt that a great conflict impended, and, although he had as yet no idea that it was an "irrepressible conflict between opposing and enduring forces," which must end in making all free or all slave, he thought it was serious enough to demand his entire mind and heart, and he freely gave them both.

Mr. Gillespie gives the substance of a conversation with him which, judging from the context, must have taken place about this time. Prefacing with the remark that the slavery question was the only one "on which he (Mr. Lincoln) would become excited," he says:

"I recollect meeting with him once at Shelbyville, when he remarked that something must be done or slavery would overrun the whole country. He said there were about 600,000 non-slaveholding whites in Kentucky to about 33,000 slaveholders; that in the convention then recently held it was expected that the delegates would represent these classes about in proportion to their respective numbers, but when the convention assembled there was not a single representative of the nonslaveholding class. Every one was in the interest of the slaveholders, 'and,' said he, 'the thing is spreading like wildfire over the country. In a few years we will be ready to accept the institution in Illinois, and the whole country will adopt it.' I asked him to what he attributed the change that was going on in public opinion. He said he had put that question to a Kentuckian shortly before, who answered by saying, 'You might have any amount of land, money in your pocket or bank stock and while traveling around nobody would be any wiser, but if you had a darky trudging at your heels everybody would see him and know that you owned a slave.' 'It is the most glittering, ostentatious and displaying property in the world, and now,' says he, 'if a young man goes

courting the only inquiry is how many negroes he or she owns. The love for slave property was swallowing up every other mercenary possession. Its ownership betokened not only the possession of wealth, but indicated the gentleman of leisure, who was above and scorned labor.' These things Mr. Lincoln regarded as highly seductive to the thoughtless and giddy headed young men who looked upon work as vulgar and ungentlemanly. Mr. Lincoln was really excited and said, with great earnestness, that this spirit ought to be met and if possible checked; that slavery was a great and crying injustice, an enormous national crime, and that we could not expect to escape punishment for it. I asked him how he would proceed in his efforts to check the spread of slavery. He confessed he did not see his way clearly. I think he made up his mind from that time that he would oppose slavery actively. I know that Mr. Lincoln always contended that no man had any right other than mere brute force gave him to a slave. He used to say that it was singular that the courts would hold that a man never lost his right to his property that had been stolen from him, but that he instantly lost his right to himself if he was stolen. Mr. Lincoln always contended that the cheapest way of getting rid of slavery was for the nation to buy the slaves and set them free."

(Continued Monday.)



# LINCOLN

## As Lawyer and Debater

By WARD HILL LAMON.

Lincoln's Friend and Bodyguard.  
FEBRUARY 18, 1908.

(Continued.)

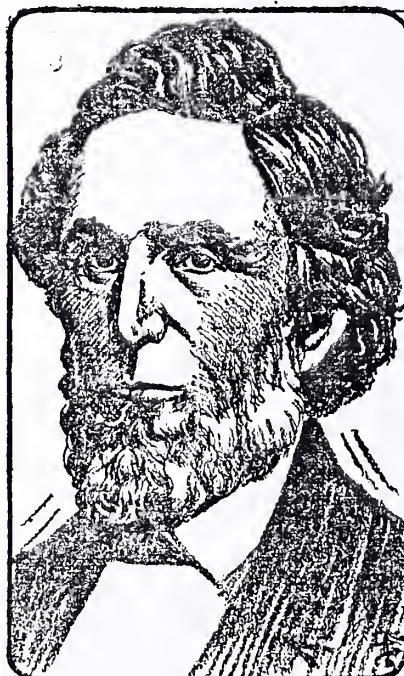
Among those whom the state fair brought to Springfield for political purposes were some who were neither Whigs, Democrats, Know Nothings nor yet mere Anti-Nebraska men. There were the restless leaders of the then insignificant Abolition faction. Chief among them was Owen Lovejoy, and second to him, if second to any, was William H. Herndon. But the position of this latter gentleman was one of singular embarrassment. According to himself, he was an Abolitionist "some time before he was born," and hitherto he had made his "calling and election sure" by every word and act of a life devoted to political philanthropy and disinterested political labors. While the two great national parties divided the suffrages of the people north and south, everything in his eyes was "dead." He detested the bargains by which those parties were in the habit of composing sectional troubles and sacrificing the "principle of freedom." When the Whig party "paid its breath to time" he looked upon its last agonies as but another instance of divine retribution. He had no patience with time servers and regarded with indignant contempt the "policy" which would postpone the natural rights of an enslaved race to the success of parties and politicians. He stood by at the sacrifice of the Whig party in Illinois with the spirit of Paul when he "held the clothes of them that stoned Stephen." He believed it was for the best and hoped to see a new party rise in its place, great in the fervor of its faith and animated by the spirit of Wilberforce, Garrison and the Lovejoys. He was a fierce zealot and gloried proudly in his title of "fanatic," for it was his conviction that fanatics were at all times the salt of the earth, with power to save it from the blight that follows the wickedness of men. He believed in a God, but it was the God of nature—the God of Socrates and Plato as well as the God of Jacob. He believed in a Bible, but it was the open scroll of the universe, and in a religion clear and well defined, but it was a religion that scorned what he deemed the narrow slavery of verbal inspiration. Hot blooded, impulsive, brave morally and physically, careless of consequences when moved by a sense of individual duty, he was the very man to receive into his utmost heart the precepts of Mr. Seward's "higher law."

If he had pledged faith to slavery, no peril of life or body could have induced him to violate it. But he held himself no party to the compromises of the constitution nor to any law which recognized the justice of human bondage, and he was therefore free to act as his God and nature prompted.

Now, Mr. Herndon had determined to make an Abolitionist out of Mr. Lincoln when the proper time should arrive, and that time would be only when Mr. Lincoln could change front and "come out" without detriment to his personal aspirations, for, although Mr. Herndon was a zealot in the cause, he loved his partner too dearly to wish him to espouse it while it was unpopular and politically dangerous to belong to it. "I cared nothing for the ruin of myself," said he, "but I did not wish to see Mr. Lincoln sacrificed." He looked forward to a better day and in the meantime was quite willing that Mr. Lincoln should be no more than a nominal Whig or a strong Anti-Nebraska man, being quite sure that when the auspicious moment arrived he would be able to present him to his brethren as a convert over whom there would surely be great joy. Still, there was a bare chance that he might lose him. Mr. Lincoln was beset by warm friends and by old coadjutors and besought to pause in his antislavery course while there was yet time. Among these there was none more earnest or persuasive than John T. Stuart, who was but the type of a class. Tempted on the one side to be a Know Nothing and on the other side to be an Abolitionist, Mr. Lincoln said as if in some doubt of his real position, "I think I am still a Whig." But Mr. Herndon was more than a match for the full array against him. An earnest man, instant in season and out of season, he spoke with the eloquence of apparent truth and of real personal love. Moreover, Mr. Lincoln's preconceptions inclined him to the way in which Mr. Herndon desired him to walk, and it is not surprising that in time he was not only almost, but altogether, persuaded by a friend and partner whose opportunities to reach and convince his wavering mind were daily and countless. "From 1854 to 1860," says Mr. Herndon, "I kept putting in Lincoln's hands the speeches and sermons of Theodore Parker, the speeches of Phillips and Beecher. I

took the Antislavery Standard for years before 1856, the Chicago Tribune and the New York Tribune, kept them in my office, kept them purposefully on my table and would read to Lincoln good, sharp and solid things well put. Lincoln was a natural antislavery man, as I think, and yet he needed watching-needed hope, faith, energy—and I think I warned him. Lincoln and I were just the opposite one of another. He was cautious and practical; I was spontaneous, ideal and speculative. It's arrived at truths by reflection; I by intuition; he by reason; I by my soul. He calculated; I went to talk asking no questions, never doubting. Lincoln had great faith in my intuitions, and I had great faith in his reason."

Of course such a man as we have described Mr. Herndon to be could have nothing but loathing and disgust for the secret oaths, the midnight lurking and the proscriptive spirit of Know Nothingism. "A number of gentlemen from Chicago," says he, "among them the editor of the Star of the West, an Abolitionist paper published in Chicago, waited on me in my office and asked my advice as to the policy of going into Know Nothing lodges and ruling them for freedom. I opposed it as being wrong in principle as well as a fraud on the lodges and wished to fight it out in open daylight. Lincoln was opposed to Know Nothingism, but did not say much in 1854 or 1855 (did afterward). I told Lincoln what was said and argued the question with him often, insisting that as we were advocating freedom for the slave in tendency under the Kansas-Nebraska bill it was radically wrong to enslave the religious ideas and faith of men. The gentlemen who waited on me, as be-



WILLIAM H. HERNDON, LINCOLN'S THIRD LAW PARTNER AND BIOGRAPHER.

fore stated, asked me if I thought that Mr. Lincoln could be trusted for freedom. I said to them: 'Can you trust yourselves? If you can, you can trust Lincoln forever.'



# LINCOLN

## As Lawyer and Debater

By WARD HILL LAMON.

Lincoln's Friend and Bodyguard.  
FEBRUARY 191909

(Continued.)

With this explanation of the political views of Mr. Herndon and his personal relations to Mr. Lincoln the reader will more easily understand what follows.

"This state fair," continues Mr. Herndon, "called thousands to the city. We Abolitionists all assembled here, taking advantage of the fair to organize and disseminate our ideas. As soon as Lincoln had finished his speech Lovejoy, who had been in the hall, rushed up to the stand and notified the crowd that there would be a meeting there in the evening—subject, 'Freedom.' I had been with the Abolitionists that day and knew their intentions—namely, to force Lincoln with our organization and to take broader and deeper and more radical views and ideas than in his speech, which was simply 'Historic Kansas.' \* \* \* He (Lincoln) had not then announced himself for freedom, only discussed the inexpediency of repealing the Missouri compromise line. The Abolitionists that day determined to make Lincoln take a stand. I determined he should not at that time, because the time had not yet come when Lincoln should show his hand. When Lovejoy announced the Abolition gathering in the evening I rushed to Lincoln and said: 'Lincoln, go home. Take Bob and the buggy and leave the county. Go quickly; go right off and never mind the order of your going.' Lincoln took a hint, got his horse and buggy and did leave quickly, not noting the order of his going. He staid away till all conventions and fairs were over."

### Lincoln to "Follow Up" Douglas.

But the speech against the repeal of the compromise signally impressed all parties opposed to Mr. Douglas' late legislation—Whigs, Abolitionists and Democratic Free Soilers—who agreed with perfect unanimity that Mr. Lincoln should be pitted against Mr. Douglas wherever circumstances admitted of their meeting. As one of the evidences of this sentiment Mr. William Butler drew up a paper addressed to Mr. Lincoln requesting and "urging him to follow Douglas up until the election." It was signed by Mr. Butler, William Jayne, P. P. Eads, John Cassady, B. F. Irwin and many others. Accordingly Lincoln "followed" Douglas to Peoria, where the latter had an appointment and again replied

to him in much the same spirit and with the same arguments as before. The speech was really a great one, almost perfectly adapted to produce conviction upon a doubting mind. It ought to be carefully read by every one who desires to know Mr. Lincoln's power as a debater after his intellect was matured and ripened by years of hard experience. On the general subject of slavery and negroes in the Union he spoke as follows:

"Before proceeding let me say I think I have no prejudice against the southern people. They are just what we would be in their situation. If slavery did not now exist among them they would not introduce it. If it did now exist among us we should not instantly give it up. This I believe of the masses north and south. Doubtless there are individuals on both sides who would not hold slaves under any circumstances, and others would gladly introduce slavery anew if it were out of existence. We know that some southern men do free their slaves, go north and become tiptop Abolitionists, while some northern men go south and become cruel slave masters.

"When southern people tell us they are no more responsible for the origin of slavery than we I acknowledge the fact. When it is said that the institution exists and that it is very difficult to get rid of it in any satisfactory way I can understand and appreciate the saying. I surely will not blame them for not doing what I should not know how to do myself. If all earthly power were given me I should not know what to do as to the existing institution. My first impulse would be to free all the existing slaves and send them to Liberia—to their own native land—but a moment's reflection would convince me that whatever of high hope (as I think there is) there may be in this in the long run its sudden execution is impossible. If they were all landed there in a day they would all perish in the next ten days, and there are not surplus shipping and surplus money enough in the world to carry them there in many times ten days. What then? Free them all and keep them among us as underlings? Is it quite certain that this betters their condition? I think I would not hold one in slavery at any rate, yet the point is not clear enough to me to de-

nounce people upon. What next? Free them and make them politically and socially our equals? My own feelings will not admit of this, and if mine would we all know that those of the great mass of white people would not. Whether this feeling accords with justice and sound judgment is not the sole question, if, indeed, it is any part of it. A universal feeling, whether well or ill founded, cannot be safely disregarded. We cannot, then, make them equals. It does seem to me that systems of gradual emancipation might be adopted, but for their tardiness in this I will not undertake to judge our brethren of the south. When they remind us of their constitutional rights I acknowledge them not grudgingly, but fully and fairly, and I would give them any legislation for the reclaiming of their fugitives which should not in its stringency be more likely to carry a free man into slavery than our ordinary criminal laws are to hang an innocent one.

"But all this, to my judgment, furnishes no more excuse for permitting slavery to go into our own free territory than it would for reviving the African slave trade by law. The law which forbids the bringing of slaves from Africa and that which has so long forbidden the taking them to Nebraska can hardly be distinguished on any moral principle, and the repeal of the former could find quite as plausible excuses as that of the latter. \* \* \*

No one in Mr. Lincoln's audience appreciated the force of this speech more justly than did Mr. Douglas himself. He invited the dangerous orator to a conference and frankly proposed a truce. What took place between them was explicitly set forth by Mr. Lincoln to a little knot of his friends in the office of Lincoln & Herndon about two days after the election. We quote the statement of B. F. Irwin, explicitly indorsed by P. L. Garrison and Isaac Cogdale: "W. H. Herndon, myself, P. L. Garrison and Isaac Cogdale were present. What Lincoln said was about this—that the day after the Peoria debate in 1854 Douglas came to him (Lincoln) and flattered him that he (Lincoln) understood the territorial question from the organization of the government better than all the opposition in the senate of the United States, and he did not see that he could make anything by debating it with him and then reminded him (Lincoln) of the trouble they had given him and remarked that Lincoln had given him more trouble than all the opposition in the senate combined and followed up with the proposition that he would go home and speak no more during the campaign if Lincoln would do the same, to which proposition Lincoln acceded." This, according to Mr. Irwin's view of the thing, was running Douglas "into his hole," and making "him holler 'Enough!'"

Of course Mr. Lincoln and Mr. Douglas met no more during the campaign. Mr. Douglas did speak at least once more (at Princeton), but Mr. Lincoln scrupulously observed the terms of the agreement.

From the Chicago Inter Ocean.  
**Lincoln and Douglas as Lawyers.**

No two men could be found more unlike, physically and intellectually, in manners, and in appearance, than they.

Lincoln was a very tall, spare man, six feet four inches in height, and would be instantly recognized as belonging to that type of tall, large-boned men, produced in the northern part of the Mississippi valley, and exhibiting its peculiar characteristics in the most marked degree in Tennessee, Kentucky and Illinois.

In any court-room in the United States, he would have been instantly picked out as a western man. His stature, figure, dress, manner, voice and accent, indicate that he was of the north-west.

In manner, he was always cordial and frank, and, although not without dignity, he made every person feel quite at his ease. I think the first impression a stranger would get of him, whether in conversation, or by hearing him speak, was, that this is a kind, frank, sincere, genuine man; of transparent truthfulness and integrity; and before Lincoln had uttered many words, he would be impressed with his clear good sense, his remarkably simple, homely, but expressive Saxon language, and next by his wonderful wit and humor. Lincoln was more familiar with the Bible than any other book in the language, and this was apparent, both from his style and illustrations, so often taken from that book. He verified the maxim that it is better to know thoroughly a few good books than to read many.

Douglas was little more than five feet high, with a strong, broad chest and strongly marked features; his manners, also, were cordial, frank and hearty. The poorest and humblest found him frien'ly. He was, in his earlier years, half-fellow-wellmet with the rudest and poorest man in the court-room.

Those of you who practised law with him, or tried causes before him, when on the bench, will remember that it was not unusual to see him come off the bench, or leave his chair at the bar, and take a seat on the knee of a friend, and with one arm thrown familiarly around his friend's neck, have a friendly talk or a legal or political consultation. Such familiarity would have shocked our English cousins and disgusted our Boston brothers, and it has, I think, disappeared. In contrast with this familiarity of Douglas, I remember an anecdote illustrating Colonel Benton's ideas of his own personal dignity. A distinguished member of congress, who was a great admirer of Benton, one day approached and slapped him, familiarly and rudely, on the shoulder. The Senator haughtily drew himself up and said: "That is a familiarity, sir, I never permit my friends, much less a comparative stranger. Sir, it must not be repeated."

Lincoln and Douglas were, as we know, both self-educated, and each the builder of his own fortune. Each became very early the recognized leader of the political party to which he belonged. Douglas was bold, unflinching, impetuous, denunciatory and determined. He possessed, in an eminent degree, the qualities which create personal popularity, and he was the idol of his friends. Both Lincoln and Douglas were strong jury-lawyers. Lincoln, on the

whole, was the strongest jury-lawyer we ever had in Illinois. Both were distinguished for their ability in seizing and bringing out, distinctly and clearly, the real points in a case. Both very happy in the examination of witnesses; I think Lincoln the stronger of the two in cross-examination. He could compel a witness to tell the truth when he meant to lie. He could make a jury laugh and, generally, weep, at his pleasure. Lincoln on the right side, and especially when injustice or fraud were to be exposed, was the strongest advocate. On the wrong side, or on the defence, where the accused was really guilty, the client, with Douglas for his advocate, would be more fortunate than with Lincoln. Lincoln studied his cases thoroughly and exhaustively. Douglas had a wonderful acuity of extracting from his associates, from experts and others, by conversation, all they knew of a subject he was to discuss, and then making it so thoroughly his, that all seemed to have originated with himself. He so perfectly assimilated the ideas and knowledge of others, that all seemed to be his own, and all that went into his mind came out improved.

His ablest speech in the house was made on the 7th of January, 1844, on a bill to refund to General Jackson the fine imposed upon him by Judge Hall, during the defense of New-Orleans. In this masterly argument, he took the then bold and novel ground that the fine was imposed in violation of law. It is a curious fact that, in his speech, Douglas claimed of General Jackson many of the war powers exercised by President Lincoln and his generals, during the rebellion, and for which the president was so bitterly denounced by his political opponents. This speech gave him a national reputation. After the death of the hero of New-Orleans, a pamphlet copy of the speech was found among his papers, with an indorsement in Jackson's hand writing, and signed by him, in these words:



